# UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR IMMIGRATION REVIEW OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

UNITED STATES OF AMERICA Complainant,

vs.

MELCO CONTAINER CORP.,
Respondent.

8 U.S.C. §1324a Proceeding OCAHO Case No. 93A00043

### **DECISION AND ORDER**

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

- (1) The document entitled Consent Findings contained in the Motion to Approve Consent Findings, submitted by the parties, including the recitation of facts contained therein, is adopted and made a part of this Decision and Order, according to its terms as if fully set out herein.
- (2) The parties have agreed that Respondent admits the allegations set forth in the Complaint and admits violating § 274A(a)(1)(B) of the Immigration and Nationality Act (hereinafter the "Act"), 8 U.S.C. § 1324a(a)(1)(B). I conclude that the document entitled Consent Findings is fair and satisfactory and there is no reason not to accept it, within contemplation of 28 C.F.R. 68.14.
- (3) On the basis of the Consent Findings, I find and conclude that Melco Container Corp. has violated § 274A(a)(1)(B) of the Act, 8 U.S.C. § 1324a(a)(1)(B), with regard to the employment of the individuals referred to in the Complaint.

## ACCORDINGLY, IT IS HEREBY ORDERED:

- (1) that the motion to approve the Consent Findings is granted;
- (2) that respondent pay a civil money penalty of four thousand dollars (\$4,000.00) with payment to be made by cashier's or certified check upon approval of the Consent Findings;
- (3) that each party bear its own attorney fees, costs and other expenses incurred by such party in connection with these proceedings;
- (4) that this Decision and Order has the same force and effect as a Decision and Order made after a full administrative hearing;
- (5) that the entire record on which this Decision and Order is based consists solely of the Complaint, the Notice of Hearing and the Consent Findings;
- (6) that the parties have waived any further procedural steps before the Administrative Law Judge; and
- (7) that this Decision and Order is final and unappealable and that the parties have waived any and all right to challenge or contest the validity of this Decision and Order in any forum.

SO ORDERED

Dated this \_St day of \_Novil\_\_\_\_, 1993.

Honorable Marvin H. Morse Administrative Law Judge

#### CERTIFICATE OF SERVICE

I hereby certify that copies of the attached Decision and Order were mailed, first class, postage prepaid this 5th day of April, 1993 addressed as follows:

Counsel for Complainant

William F. Jankun, Esq. Immigration and Naturalization Service P.O. Box 2669 New York, NY 10008-2669

## Respondent

Murray Melnick President Melco Container Corp. 61 Floyds Run Bohemia, NY 11716

Debra M. Bush

Legal Technician to Judge Morse

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